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6 BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

7 In the Matter of the Appeal of:) Hearing Examiner File:
8) **MUP-12-016(W)**
9)
10 **BRUCE STRUTHERS**)
11 from a SEPA decision issued by the Director,) RESPONDENTS' REPLY RE: MOTION
Department of Planning and Development) TO QUASH CERTAIN DISCOVERY
REQUESTS

12 The Examiner must grant Respondents' Motion to Quash Certain Discovery Requests
13 because Appellant's Response fails to establish that the discovery in question is not "unduly
14 burdensome, harassing, or unnecessary."

15 Appellant's Response largely misses the point. The Response spends many pages citing
16 various general rules regarding discovery and emphasizing the purported relevance of the
17 information Appellant seeks. However, such contentions do not address the issue posed by the
18 Motion to Quash. Hearing Examiner Rule 3.11 allows the Examiner to quash discovery
19 requests – even if otherwise allowed – if they are "unduly burdensome, harassing, or
20 unnecessary under the circumstances of the appeal."

21 The Motion to Quash does not seek to prevent Appellant from obtaining the underlying
22 information Appellant seeks; rather, the issue posed by the Motion to Quash is whether
23 Appellant is entitled to go beyond obtaining documents containing such information, and to

RESPONDENTS' RESPLY RE: MOTION TO QUASH
CERTAIN DISCOVERY REQUESTS - 1

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1 require Respondents to expend the time and effort required to answer interrogatories in lieu of
2 simply providing the documents.

3 The essence of Appellant's Response is that, since it would be possible for Respondents
4 to answer interrogatories, it would be appropriate to make them do so. Unsurprisingly,
5 Appellant believes it is more reasonable for Respondents to expend time and effort answering
6 interrogatories than for Appellant to review responsive documents to answer his questions.

7 However, the reasonableness of that approach is a matter for the Examiner to determine.
8 Appellant cites absolutely no authority supporting a conclusion that, as the Appellant, he is
9 automatically entitled to be saved from the work of reviewing and digesting documents
10 containing the information he seeks. Rather, by its terms, Hearing Examiner Rule 3.11 requires
11 an inquiry into whether the relative burden on the Respondents of providing the requested
12 information in the format sought by Appellant is too great.

13 Review of Appellant's interrogatories establishes the existence of an undue burden in
14 this case. Those interrogatories pose highly specific, technical questions. Appellant clearly
15 knows what he is looking for and could locate that information in responsive documents
16 produced by Respondents. Respondents should not be forced to do Appellant's work for him.

17 For the foregoing reasons, Respondents respectfully request that the Examiner quash all
18 of Appellant's Interrogatories and quash Appellant's Requests for Production 1 and 2.

19 Respectfully submitted this 15th day of August, 2012.

20 PETER S. HOLMES
21 Seattle City Attorney

22 By: s/Jeffrey S. Weber, WSBA #24496
23 Assistant City Attorney
Attorneys for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I electronically filed a copy of **Respondents' Reply Re: Motion to Quash Certain Discovery Requests** with the Seattle Hearing Examiner using its e-filing system.

I also certify that on this date, a copy of the same document was sent to the following party listed below in the manner indicated:

R. Bruce Struthers
10514 Riviera Place NE
Seattle, WA 98125
Appellant

(X) U.S. First Class Mail, postage prepaid
(X) Email: bruce.struthers@comcast.net

the foregoing being the last known address of the above-named party.

Dated this 15th day of August, 2012, at Seattle, Washington.


ROSIE LEE HAILEY